

Docket No. F-8518

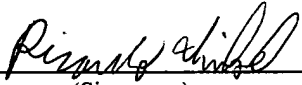
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Takashi IKI, et al.
Serial No. : 10/518,986
Filed : December 21, 2004
For : PAPER FEED ROLLER AND FABRICATION METHOD
THEREOF
Confirmation No. : 7021
Customer No. : 000028107

Certificate of Mailing Under 37 CFR 1.8

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Ricardo Unikel
(Name)


(Signature)

MAIL STOP PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO COMMUNICATION

Sir:

Applicants submit this Response to Communication in the above-mentioned application in response to the Communication of March 13, 2007 from the U.S. Patent and Trademark Office (USPTO).

The Communication of March 13, 2007 states that the Declaration filed in the above-identified application is defective for the following reasons: 1) Mr. Oosaki (a deceased inventor) did not sign the declaration and neither did his legal representative. The absence of the signature of the legal representative has not been properly excused. 2) The Declaration is not accompanied by a verification of the translation into the English language.

MPEP § 1893.01(e) states that the requirement for an oath or declaration in compliance with 37 C.F.R. § 1.497(a)-(b) will have been previously satisfied if a declaration in compliance with PCT Rule 4.17(iv) and executed by all the inventors was appropriately submitted during the international phase. It is Applicants' position that such a Declaration was indeed submitted during the international phase and that therefore the requirement for an oath or declaration in compliance with 37 C.F.R. § 1.497(a)-(b) has been satisfied. Accordingly, it is Applicants' position that no additional oath or declaration is required.

On August 3, 2007, Applicants' attorney, Ricardo Unikel, spoke with PCT Legal Examiner George Dombroske and explained the situation regarding the PCT Rule 4.17(iv) Declaration. Mr. Dombroske provided the following guidance:

- 1) A PCT Rule 4.17(iv) Declaration is sufficient to fulfill the requirement for an oath or declaration in the U.S. and must be submitted along with a verified English translation.
- 2) There must be some indication that the inventors knew the patent application for which they were signing the Declaration. Such indication is shown, for example, by a specific reference in the Declaration itself to the PCT application.
- 3) The USPTO can get information from the International Bureau as to whether the PCT Rule 4.17(iv) Declaration was filed.

As to 1), please find attached a PCT Rule 4.17(iv) Declaration along with a verified English translation. Such Declaration was filed during the international phase.

As to 2), attention is directed to the first page of the Declaration where there is a specific reference to PCT/JP02/11181, which is the PCT application for which the above-identified U.S. application is a national stage entry thereof.

As to 3), Applicants note that the front cover of WO 2004/007324 (the publication of PCT/JP02/11181) contains a reference to a PCT Rule 4.17(iv) Declaration. Since the USPTO can obtain the relevant information for this PCT Rule 4.17(iv) Declaration, no copy of the front cover of WO 2004/007324 is provided herewith with an English translation of the relevant portion.

In light of the above, it is Applicants' position that the requirement for the submission of an oath or declaration in the above-identified U.S. Patent Application has been fulfilled and respectfully request that notice be provided to that effect and that the above-identified U.S. Patent Application be forwarded for examination by the USPTO.

Applicants respectfully request a three month extension of time for responding to the Office Action. **The fee of \$1020.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO

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is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By Frank J. Jordan
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

R and,

By Ricardo Unikel
Ricardo Unikel
Reg. No. 52,309
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

Enc. PCT Rule 4.17(iv) Declaration and verified English translation
Credit Card Payment Form PTO-2038

DECLARATION

I, Iori Joko, a citizen of Japan, residing at 133 Seaman Ave. #1A, New York, NY, USA, do hereby declare under Section 1001 of Title 18 of the United States Code that I am conversant with the English and Japanese languages and am a competent translator thereof, and that to the best of my knowledge and belief the attached is a true and correct English translation of the enclosed original Japanese document executed by Takashi IKI on October 24, 2002 and by Kazuhiro OOSAKI on October 16, 2002.

On this day of Aug 9, 2007

Iori Joko
Iori Joko